

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:10-CV-182

CHASTITY DAVIDSON, in her)
individual capacity and as Administratrix)
of the Estate of ANTHONY DEWAYNE)
DAVIDSON,)
)
Plaintiff,)
)
v.)
)
CITY OF STATESVILLE;)
OFFICER DAVID WAYNE LOWERY,)
in his individual and official capacity;)
OFFICER WILLIAM HOWARD)
GOFORTH, in his individual and official)
capacity; IREDELL COUNTY)
SHERIFF PHILLIP H. REDMOND,)
in his individual and official capacity;)
"JOHN DOE SURETY COMPANY";)
OFFICER JASON PATRICK CLOER,)
in his individual and official capacity;)
CORPORAL CHANCE ALLEN)
WILLIAMS, in his individual and)
official capacity; and OFFICER MARC)
ANTHONY CUDDY CARMONA,)
in his individual and official capacity,)
)
Defendants.)
_____)

Exhibit A

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
10-CVS-02033

CHASTITY DAVIDSON, in her
Individual capacity and as Administratrix
of the Estate of ANTHONY DEWAYNE
DAVIDSON,

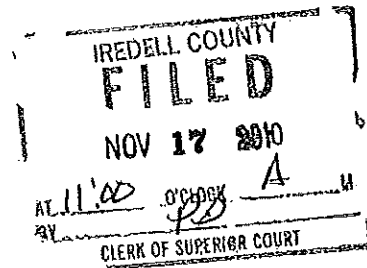
Plaintiff,

v.

CITY OF STATESVILLE,
OFFICER DAVID WAYNE LOWERY,
in his individual and official capacity,
OFFICER WILLIAM HOWARD
GOFORTH, in his individual and official
capacity, IREDELL COUNTY SHERIFF
PHILLIP H. REDMOND in his individual
and official capacity, "JOHN DOE
SURETY COMPANY", OFFICER JASON
PATRICK CLOER, in his individual and
official capacity, COPORAL CHANCE
ALLEN WILLIAMS, in his individual and
official capacity, and OFFICER MARC
ANTHONY CUDDY CARMONA, in his
individual and official capacity,

Defendants.

ORDER



THIS CAUSE COMING ON FOR HEARING on October 4, 2010,
before the undersigned Judge presiding during the Civil Session of Superior Court
in Iredell County, upon the Motion filed by the Defendants, the City of Statesville,
David Wayne Lowery, William Howard Goforth, and Mark Anthony Cuddy
Carmona, to Dismiss the Complaint in part pursuant to the provisions of Rule 12

(b)(6) of the North Carolina Rules of Civil Procedure, and also upon the Motion of Plaintiff to Amend her Complaint to add a cause of action against the City of Statesville and the Iredell County Sherriff Philip H. Redmond under 42 U.S.C. § 1983.

AND IT APPEARING TO THE COURT that attorney William T. Rozell II appeared on behalf of the Defendants' City of Statesville, David Wayne Lowery William Howard Goforth, and Mark Anthony Cuddy Carmona, that Attorney Patrick Flanagan appeared on behalf of the Defendants Iredell County Sheriff Philip H. Redmond, Jason Patrick Cloer and Chance Alan Williams, and that Attorney James E. Ferguson appeared on behalf of the Plaintiff;

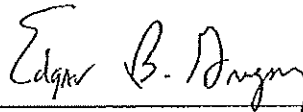
AND IT FURTHER APPEARING TO THE COURT having reviewed the Court file, the Defendants' Motion, the Memorandum of the Law submitted by Plaintiff and having received the arguments of Counsel for the Defendants City of Statesville, David Wayne Lowery, William Howard Goforth, and Mark Anthony Cuddy Carmona and Counsel for the Plaintiff, that the Defendants City of Statesville, David Wayne Lowery, William Howard Goforth, and Mark Anthony Cuddy Carmona's Motion should be **GRANTED** as to all claims against the Defendant the City of Statesville, and as to all claims for Negligence, Gross Negligence, Wrongful Death, and Trespass by Public Officer against Defendants David Wayne Lowery, William Howard Goforth, and Mark Anthony Cuddy Carmona in their official capacity. Defendants' Motion to Dismiss is further granted as to all Negligence claims against Defendants David Wayne Lowery,

IT IS FURTHER, ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Dismiss Plaintiff's claims under the North Carolina Constitution is **DENIED**.

IT IS FURTHER, ORDERED, ADJUDGED, AND DECREED, that Plaintiff's Motion to Amend its Complaint to add a claim under 42 U.S.C. § 1983 against the Defendants, Iredell County Sheriff Phillip H. Redmond and the City of Statesville is **GRANTED** and that these Defendants are allowed thirty (30) days to file an Answer after service of Plaintiff's Amended Complaint.

IT IS SO ORDERED.

This the 11th day of November, 2010.



The Honorable Edgar B. Gregory
Superior Court Judge Presiding